IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO: 16525 of 2004

Between:

Jetti Rammurthy, S/o Rajamouli,
R/o Rangapuram (Village), Nallabelli Mandal,

Warangal District.

..... PETITIONER

AND

1 The Joint Collector, Warangal, Warangal District.
2 The Revenue Divisional Officer, Narsampet, Warangal District.
3 Dumpati Ramadevi, w/o Ravi, R/o Dharmaraopalli (Village),

H/o Rangapur Village of Nallabelli Mandal, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in not passing any order on the appeal filed by the petitioner questioning the appointment of 3rd respondent as a Fair Price Shop Dealer of Fair Price Shop No.1 of Rangapur village, Nallabelli Mandal, Warangal District and also the proceedings issued by the 2nd Respondent dt.18-8-2004 appointing the 3rd Respondent as a Fair Price Shop Dealer of Shop No.1 of Rangapur village of Nallabelli Mandal, Warangal Dist as illegal arbitrary and against the principles of natural justice.

Counsel for the Petitioner: MR.A.PRABHAKAR RAO
Counsel for the Respondent Nos.1 & 2: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following:

HONOURABLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.16525 OF 2004

ORDER:

The vacancies in respect of Fair Price Shop No.1 and 2 of Rangapuram village, were notified and following due process of selection the third respondent herein has been appointed as dealer of the Fair Price Shop No.1 and one Thotaguri Maheena has been appointed as dealer of the Fair Price Shop No.2. Admittedly, the petitioner who was one of the candidates applied in respect of Fair Price Shop No.1 was not selected. The petitioner preferred an appeal before the 1st respondent questioning the appointment of the 3rd respondent and the same is pending. In the meanwhile, it appears that the third respondent herein, who has been appointed as Fair Price Shop dealer of Fair Price Shop No.1, filed an appeal before the Joint Collector questioning the appointment in respect of Fair Price Shop No.2 contending inter alia that she never applied for shop No.1 and that the entire process of selection, in respect of Fair Price Shop Nos.1 and 2, is illegal being contrary to the material on record. The Joint Collector, having entertained the said appeal, refused to grant any stay as sought by the third respondent.

2. Now the present writ petition is filed contending that the alleged action of the first respondent, in not considering the appeal filed by the petitioner questioning the appointment of the third respondent, is arbitrary and illegal.

3. The learned counsel for the petitioner contends that as admitted by the third respondent herself she did not make any application for appointment as dealer of the Fair Price Shop No.1 and therefore the impugned appointment is liable to be set aside in limini. The learned counsel further submits that since the Appeal of the petitioner is kept pending, if any authorization is granted to

third respondent in the meanwhile, the interest of the petitioner will be adversely affected and therefore, it would be appropriate to direct the respondents 1 and 2 not to grant any authorization in favour of the third respondent till the Appeal is disposed of by the 1st respondent.

4. Admittedly, not only the appeal filed by the petitioner, but the appeal filed by the third respondent is also pending before the first respondent. In the circumstances, it is open to the first respondent to examine all the relevant records and to enquire into allegations made by the petitioner as well as the third respondent and to pass appropriate orders in the application for stay filed by the petitioner.

5. In the circumstances, without expressing any opinion on merits, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to consider the application for stay in the appeal filed by the petitioner against the order of appointment of the third respondent and to pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of one week from the date of receipt of a copy of this order. In view of the peculiar facts and circumstances of the case, till the application for stay is disposed of, the status-quo obtaining as on today as to the appointment of Fair Price Shop No.1 to Rangapuram village, shall be maintained.

6. With the above observations, the Writ Petition is disposed of. No costs.

G.ROHINI, J

15th September, 2004

SKM

Note:

Furnish C.C.

by tomorrow.

B/o.

skm

To

1 The Joint Collector, Warangal, Warangal District.
2 The Revenue Divisional Officer, Narsampet, Warangal District.
3 Two C.Cs. to G.P. for Civil Supplies,

High Court Buildings,

High Court of A.P., Hyderabad, (OUT)

4 Two C.D. copies.